



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 23, 2010

Robert Mercer
Mercer Canyons
46 Sonova Rd
Prosser WA 99350

RE: Water Right Change Application No. CS4-25639(HH)P (BENT-09-03)

The Department of Ecology (Ecology) is in receipt of the Record of Decision Withdrawal submitted by the Benton County Water Conservancy Board (the Board) for the above-referenced application for change to our office on April 21, 2010. Ecology concurs with the Board's and the applicant's joint withdrawal of the decisions. Accordingly, Ecology's statutory review period under RCW 90.80.080 is terminated without prejudice.

If you have any questions or concerns on the above information, please call the Department of Ecology at (509) 575-2597.

Sincerely,

Mark C. Schuppe, Section Manager
Water Resources Program

MCS:JK:gg/100424

cc: Darryll Olsen, Benton County Water Conservancy Board
Philip Rigdon, Director, Natural Resources Division, Yakama Nation

FILE COPY



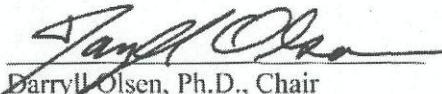
**BENTON COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Decision to Withdraw a Record of Decision
and Report of Examination**

For Ecology Use Only
Received RECEIVED
APR 21 2010
DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Mercer Canyons Application Number: CS4-25639(HH)P

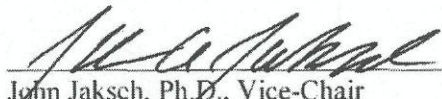
The Benton County Water Conservancy Board hereby **withdraws** the Record of Decision and the Report of Examination for the entitled water right transfer issued on 3/12/2010 in accordance with the accompanying decision memorandum of the board and submits this memorandum to the Department of Ecology.

Signed:


Darryll Olsen, Ph.D., Chair
Benton County Water Conservancy Board

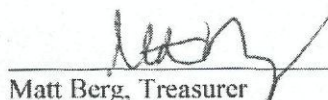
Date: 4/21/2010

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>


John Jaksch, Ph.D., Vice-Chair
Benton County Water Conservancy Board

Date: 4/21/10

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>


Matt Berg, Treasurer
Benton County Water Conservancy Board

Date: 4/21/10

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Excused Absence	<input type="checkbox"/>

FAXED and mailed to the Department of Ecology, CRO, on or before April 23, 2010; and mailed to other interested parties.

BCWCB MEMORANDUM
FAX Distribution to 509-575-2809

Date: April 21, 2010
To: CRO, Department of Ecology
From: Benton County Water Conservancy Board
Subject: Withdrawal of Record of Decision and Report of Examination

A meeting of the Benton County Conservancy Board was conducted in compliance with Chapter 42.30 RCW at Kennewick, WA, on April 21, 2010.

The board had previously issued a Record of Decision and Report of Examination on 3/12/2010 in the matter of Application for Change/Transfer No. CS4-25639(HH)P filed by Mercer Canyons. At the meeting mentioned above and by a majority vote, the board withdrew the referenced issued Record of Decision and Report of Examination for the following reason(s):

- 1) WADOE staff requested that the Water Board withdraw the ROE/ROD, and that the applicant provide additional information on water use, supplemental to the air photos contained within the ROE packet.
- 2) WADOE staff indicated that adequate information exists to grant an extension to the newly bifurcated permit to allow for further use prior to filing a formal POA. This will be recommended to the applicant.

The withdrawal of the referenced Record of Decision and Report of Examination is effective as of the adjournment of the meeting of the board during which it was adopted. The BCWCB acknowledges the existing application as on file, for amendment, for future action; only the said ROE/ROD has been withdrawn from active review.

The applicant has been notified of the withdrawal of the said ROE/ROD.

The board adopts the following plan for action on the application (*check one*):

- ☒ At a future date, the Board intends to revise and resubmit for Ecology review the record of decision and report of examination for an amended application still in review status.
- ☐ The board will take no further action on the subject application and has informed the applicant that the application may be filed with Ecology for processing.